

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

RICHARD LOVETT

Plaintiff,

vs.

DR. JOAQUIN,

Defendant.

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NO. CIV-09-1189-HE

ORDER

Plaintiff, appearing *pro se*, filed a complaint pursuant to 42 U.S.C. § 1983, alleging violations of his constitutional rights. He seeks to proceed in this action *in forma pauperis*, without prepayment of the filing fees. Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred to Magistrate Judge Valerie K. Couch for initial proceedings, who recommended that the case be dismissed without prejudice pursuant to LCvR 3.2 and 3.3 for plaintiff's failure to file the necessary documents to proceed *in forma pauperis*. Plaintiff has failed to object to the Report and Recommendation and, therefore, has waived his right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059–60 (10th Cir. 1996).

Accordingly, the court **ADOPTS** the Report and Recommendation [Doc. No. 14] and **DISMISSES** the case without prejudice to refiling.

IT IS SO ORDERED.

Dated this 14th day of May, 2010.



JOE HEATON
UNITED STATES DISTRICT JUDGE